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An Act To Amend the Process of Federal Aviation Administration Airport Improvement Program Grants

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 6 MRSA §3, sub-§25-C is enacted to read:

25-C. Primary airport. "Primary airport" means an airport that has at least 10,000 passenger boardings per year.

Sec. 2. 6 MRSA §18, sub-§1, as enacted by PL 1977, c. 678, §31, is amended to read:

1. State aid. The commissioner may, from amounts appropriated, approve grants to cities, towns or counties separately, or to cities and towns jointly with one another or with counties for an appropriate share of the total cost of any airport development project.

For projects receiving both federal and state aid under the administration's airport improvement program, state aid funds must be administered in accordance with the requirements of the federal Airport and Airway Improvement Act of 1982, 49 United States Code, Chapter 471, as amended, except that the department may adopt by rule additional requirements to those federal requirements. A rule adopted by the department under this subsection is a major substantive rule as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 6 MRSA §18, sub-§2, as enacted by PL 1977, c. 678, §31, is amended to read:

2. State approval. No municipality or other political subdivision in this State, whether acting alone or jointly with another municipality, a political subdivision or with the State, ~~shall~~may submit to the administration any request for federal aid under the ~~Federal~~federal Airport and Airway DevelopmentImprovement Act of 19701982, so-called, or any amendment thereofas amended, unless the project and the project application have been first approved by the commissioner. A municipality or other political subdivision operating a primary airport in this State may discuss federal aid with the administration for purposes of planning and developing a project application. This subsection ~~may~~must be waived by the commissioner if no state funds are involved and the project falls within the latest airport master plan for that airport.

SUMMARY

This bill requires that, for projects receiving both federal and state aid under the Federal Aviation Administration's airport improvement program, state aid funds must be administered in accordance with federal requirements for federal aid. This bill authorizes the Department of Transportation, through the major substantive rule process, to adopt additional requirements in addition to the federal requirements.

Current law provides that the Commissioner of Transportation must approve any project and project application for a request for federal aid under the federal Airport and Airway Development Act of 1970's airport improvement program before it is submitted to the Federal Aviation Administration by a municipality or other political subdivision of this State. This bill clarifies that a municipality or other political subdivision operating an airport that has at least 10,000 passenger boardings per year in this State may discuss federal aid with the Federal Aviation Administration for purposes of planning and developing a project application.